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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,577	09/09/2003	Cedric Geffroy	RDN02125	3403

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EXAMINER
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KHAN, AMINA S

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/658,577

Applicant(s)

GEFFROY, CEDRIC

Examiner

Amina Khan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 44-65, 67-72 and 76-88 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 44-65, 67-72 and 76-88 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is responsive to the amendment filed on March 15, 2006.
2. Claims 44-65,67-72 and 76-88 are pending. Claims 66 and 73-75 have been cancelled. Claims 65,68,79 and 80 have been amended. Claims 85-88 are new.
3. Applicant is again reminded of the proper language and format for an abstract of the disclosure. The abstract of the disclosure is objected to because it need not recite "The present invention relates to" in line 1 of the paragraph and "said" in line 3 of the paragraph should be replaced with "the". Correction is required. See MPEP § 608.01(b).
4. Applicant's amendments, filed March 15, 2006, canceling claims 66 and 73-75 are acknowledged and sufficient to overcome the 35 USC 112 rejections of the claims. The rejections of claims 66 and 73-75 have been withdrawn.
5. The indicated allowability of claims 79 and 80 is withdrawn in view of the newly discovered citations in the prior art. The examiner was previously in err in stating that Altmann et al. (US 2005/0015888) did not teach the claim limitations of claims 79 and 80. Rejections based on the cited reference(s) follow.

6. Claims 44-63 and 81-83 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Altmann et al. (US Publication #US 2005/0015888 A1) for the reasons set forth in the previous office action.

7. Claims 64,65,67,69-72 and 76-78 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Altmann et al. (US Publication #US 2005/0015888 A1) as applied to claim 44 above, and further in view of Barnabus et al. (US Patent #6,613,733 B1) for the reasons set forth in the previous office action.

8. Claim 84 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Altmann et al. (US Publication #US 2005/0015888 A1) as applied to claims 44 and 82 above, and further in view of Price et al. (US Publication #US 2002/0111285 A1) for the reasons set forth in the previous office action.

***Claim Rejections - 35 USC § 112***

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 44-65, 67-72 and 79-88 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims utilize the acronyms (MR) (MAV) inconsistently which renders the claims indefinite. In claim 44 (among others) for example (MR) refers to aqueous-

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alcoholic medium and rinsing medium, (MAV) refers to aqueous-alcoholic medium and medium and dispersion medium (claim 57). In claim 1 (TAC) refers to a cationic surfactant however in claim 55 (TAC) simply refers to surfactant. The examiner suggests that the applicant use only a single acronym for each type of component and for that acronym to be used consistently throughout the claims to avoid confusion. All the claims must be corrected to have a consistent method of abbreviating components. Appropriate correction of the claim language is required.

***Claim Rejections - 35 USC § 103***

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

12. Claims 68,79,80 and 85-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altmann et al. (US 2005/0015888).

Altmann et al. teaches wrinkle resistant compositions comprising 0.1-70% (paragraph 0085) water insoluble lubricants polyalkyl or polyaryl siloxanes (page 4, paragraph 0078, lines 1-2; page 4, paragraph 0079, lines 1-2), specifically nonionic polyorganosiloxanes with methyl and phenyl substituents (page 4, paragraphs 0078-0081), which meets the claimed limitation of active substance of organosilicon material in particulate form. Altmann et al. further teaches compositions comprising 0.1-20% (page 5, paragraph 0085) polymers of maleic acid and acrylic acid of molecular weight from about 1000 to about 2,000,000 (page 6, paragraph 0097) and esters of said acids

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with C1-C12 alcohols, dimethylaminoethyl methacrylate and N,N-dimethyl acrylamide (page 6, paragraph 0097), which meets the claimed limitation of vehicle comprising at least one organic polymer. Altmann et al. further teaches compositions comprising water and mixtures of water and low molecular weight alcohols (page 19, paragraph 0288), which meets the claimed limitation of aqueous or aqueous-alcoholic medium. Altmann et al. further teaches compositions comprising 0.1-70% lubricants (page 2, paragraphs 0017-0019) for example ditallow dimethylammonium chloride (page 3, paragraphs 0029-0031), which meets the claimed limitation of cationic surfactant. Altmann et al. further teaches compositions with a pH between 3 and 12 (page 23, paragraph 0336). Altmann et al. further teaches the use of amphoteric polymers (page 14, paragraph 0199 to page 15 paragraph 0213) wherein the polymers have non-ionic moieties and cationic and anionic vinylmonomers.

Altmann does not teach with sufficient specificity the different technical functions and interactions provided by the components of the instant claimed formulation.

However, it would have been obvious of one of ordinary skill in the art to arrive at these properties because the broad teachings of Altmann et al. suggest the use of the similar surfactants, rinsing mediums, aqueous-alcoholic mediums and active substances at the same pH range recited by the instant claims and in the instant specification. Therefore, the technical functions and interactions would obviously be provided by the components in the formulation absent unexpected results. Although Altmann et al. does not teach all the components of the instantly claimed invention in a single embodiment or example, all the elements of the instant invention are clearly

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taught as appropriate components for rinsing formulations and it would be obvious to one of ordinary skill in the art to combine them to arrive at a single formulation. All disclosures of the prior art, including non-preferred embodiment, must be considered. See *In re Lamberti and Konort*, 192 USPQ 278 (CCPA 1967); *In re Snow* 176 USPQ 328(CCPA 9173). The burden is on the applicant to prove otherwise.

### ***Response to Arguments***

13. Applicant's arguments filed March 15, 2006 have been fully considered but they are not persuasive.

Applicant's arguments with respect to the 35 USC 103(a) rejections of claims 44-63 and 81-83 over Altmann et al. (US 2005/0015888), claims 64,65,67,69-72 and 76-78 over Altmann et al. (US 2005/0015888) in view of Barnabus et al. (US 6,613,733) and claim 84 over Altmann et al. (US 2005/0015888) in view of Price et al. (US 2002/0111285) are based on the applicant's assertion that:

"Altmann does not teach the use of ampholytic or amphoteric polymers in rinsing formulations and the different technical functions and interactions provided by the components of the instant claimed formulation. Although the examiner is asserting that Altmann does disclose a general teaching, Applicant submits that one skilled in the art of rinsing formulations does not have a clue to construe and/or isolate any enabling formulation to perform the instant invention."

The examiner respectfully disagrees. Altmann clearly discloses amphoteric polymers for use in the rinsing formulations (paragraphs 0199-0214). Altmann further

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teaches that the amphoteric polymers comprise non-ionic moieties and cationic and anionic vinylmonomers. The examiner also asserts that although Altmann does not disclose all the preferred embodiments of the instant invention in a single example, all the elements of the instant invention are clearly taught as appropriate components for rinsing formulations and it would be obvious to one of ordinary skill in the art to combine them to arrive at a single formulation. Accordingly, the 35 USC 103 rejections are maintained.

### ***Conclusion***


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amina Khan whose telephone number is (571) 272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

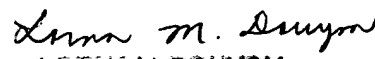
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Amina Khan  
Patent Examiner  
May 27, 2006

  
LORNA M. DOUYON  
PRIMARY EXAMINER